



OSMM&N File No. 210237US0

Serial No. 09/903,606

In the matter of the Application of: Odile AUBRUN-SONNEVILLE, et al.

For: WATER-IN-OIL EMULSION AND ITS USE AS A COSMETIC

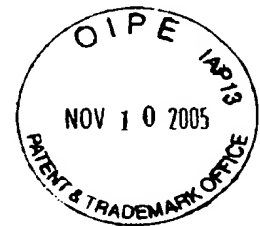
Dept.: MICAL

By: RLT/JBM/ds

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- PTO Cover Letter
- Amendment Under 37 C.F.R. §1.312(a)

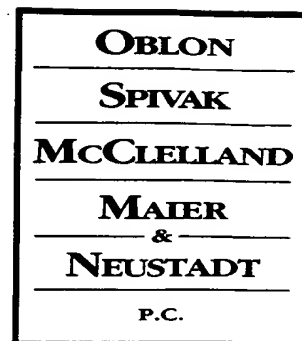


CCPY



Docket No.: 210237US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RICHARD L. TREANOR
(703) 412-6007
RTREANOR@OBLON.COM

JEFFREY B. MCINTYRE
(703) 413-3000
JMCINTYRE@OBLON.COM
*BAR OTHER THAN VIRGINIA

RE: Application Serial No.: 09/903,606

Applicants: Odile AUBRUN-SONNEVILLE, et al.

Filing Date: July 13, 2001

For: WATER-IN-OIL EMULSION AND ITS USE AS A
COSMTEIC

Group Art Unit: 1617

Examiner: Gina C. Yu

SIR:

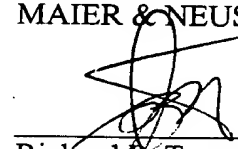
Attached hereto for filing are the following papers:

Amendment Under 37 C.F.R. §1.312(a).

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

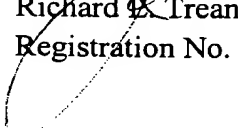
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Richard L. Treanor
Registration No. 36,379

Customer Number
22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)


Jeffrey B. McIntyre
Registration No. 36,867

CCPY

Docket No.: 210237US0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Odile Aubrun-SONNEVILLE, et al. :

EXAMINER: G. Yu

SERIAL NO: 09/903,606 :

FILED: JULY 13, 2001 :

GROUP ART UNIT: 1617

FOR: WATER-IN-OIL EMULSION AND
ITS USE AS A COSMETIC

AMENDMENT UNDER 37 C.F.R. §1.312(a)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Please amend the above-identified application under the provisions of 37 C.F.R.

§1.312(a) as follows.

Amendment to the Claims begin at page 2 of this paper.

Remarks begin at page 10 of this paper.

CCPY

AMENDMENTS TO THE CLAIMS

1. (Previously Presented): A physiologically acceptable composition, comprising:
an aqueous phase dispersed in an oily phase, and an oligomeric or polymeric emulsifier comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component, wherein said oily phase comprises at least one hydrocarbon oil and said at least one hydrocarbon oil is present in an amount of at least 40% by weight relative to the total weight of the oily phase.
2. (Original): The composition according to Claim 1, wherein the polyolefinic apolar component of the emulsifier comprises from 60 to 700 carbon atoms.
3. (Currently Amended): The composition according to Claim 2, wherein the polyolefinic apolar component of the emulsifier is selected from the group consisting of oligomers, polymers and/or copolymers of ethylene, propylene, ~~1-butene~~ 1-butene, isobutene, 1-pentene, 2-methyl-1-butene, 3-methyl-1-butene, 1-hexene, 1-heptene, ~~1-octene~~ 1-octene, 1-decene, 1-undecene, 1-dodecene, 1-tridecene, 1-tetradecene, 1-pentadecene, 1-hexadecene, 1-heptadecene and 1-octadecene.
4. (Previously Presented): The composition according to Claim 1, wherein the emulsifier reduces the interfacial tension between the aqueous phase and the oily phase of the emulsion by at least 10 mN/m when said emulsifier is present at a concentration of 0.01 % by weight relative to the weight of the oily phase.
5. (Previously Presented): The composition according to Claim 1, wherein the polar component of the emulsifier is anionic, cationic, nonionic, zwitterionic or amphoteric.
6. (Previously Presented): The composition according to Claim 5, wherein the polar component of the emulsifier is selected from the group consisting of polyalkylene glycols, polyalkyleneamines, carboxylic acids, dicarboxylic acids, anhydrides and mixtures thereof.

7. (Previously Presented): The composition according to Claim 6, wherein the polar component of the emulsifier is selected from the group consisting of polyoxyethylene, succinic acid and succinic anhydride.

8. (Previously Presented): The composition according to Claim 1, wherein the emulsifier is prepared by the reaction of a polyolefin compound and at least one acid selected from the group consisting of maleic acid, maleic anhydride, fumaric acid, itaconic acid, citraconic acid, mesaconic acid, aconitic acid and mixtures thereof.

9. (Currently Amended): The composition according to Claim 1, wherein the emulsifier is a polyisobutylene ~~than~~ with an optionally modified succinic terminal group.

10. (Previously Presented): The composition according to Claim 8, wherein the emulsifier is the product of the reaction of maleic anhydride with polyisobutylene.

11. (Previously Presented): The composition according to Claim 1, wherein the amount of emulsifier present ranges from 0.1 % to 10% by weight relative to the total weight of the emulsion.

12. (Original): The composition according to Claim 1, wherein the quantity of aqueous phase ranges from 40% to 95% by weight relative to the total weight of the composition.

13. (Original): The composition according to Claim 1, wherein the composition comprises at least 1% by weight of water relative to the total weight of the composition.

14. (Canceled).

15. (Previously Presented): The composition according to Claim 1, wherein the quantity of oily phase ranges from 2.5% to 60% by weight relative to the total weight of the composition.

COPY

16. (Previously Presented): A physiologically acceptable cosmetic emulsion composition, comprising:

an aqueous phase dispersed in an oily phase, and an oligomeric or polymeric emulsifier comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component, wherein said oily phase comprises at least one hydrocarbon oil and said at least one hydrocarbon oil is present in an amount of at least 40% by weight relative to the total weight of the oily phase.

17. (Original): A method of cosmetic treatment, comprising:

applying the composition of Claim 16 to the skin or the lips thereby effecting the treatment of, protection of, care of, removal of make-up from, cleansing of and/or application of make-up to the skin and/or the lips.

18. (Original): A cosmetic composition for the care of dry skin, dry lips and/or sensitive skin, comprising:

the composition of Claim 1 and at least one cosmetic adjuvant thereby providing for the effective care of dry skin, dry lips and/or sensitive skin.

19. (Previously Presented): A method of manufacturing a physiologically acceptable cosmetic W/O emulsion composition, comprising;

combining a physiologically acceptable aqueous medium in an amount such that water component of the cosmetic composition is at least 30% by weight of water relative to the total weight of the composition and an oily phase in the presence of at least one oligomeric or polymeric emulsifier comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component, wherein said oily phase comprises at least one hydrocarbon oil and said at least one hydrocarbon oil is present in an amount of at least 40% by weight relative to the total weight of the oily phase.

20. (Currently Amended): The method according to Claim 19, wherein said content of water is at least ~~50% by weight~~ 50% by weight in the composition.

21. (Original): A method of preparing a multiple W/O/W or O/W/O emulsion, comprising:

combining the prepared composition of Claim 1 with water or oil to prepare a W/O/W emulsion or a O/W/O emulsion.

22. (Original): A make-up removing composition, comprising:

the composition of Claim 1 in combination with a make-up removing oil.

23. (Original): The make-up removing composition according to Claim 22, wherein said make-up removing oil is a fatty acid ester of a straight or branched C₁₋₁₇ alcohol and a straight or branched fatty acid of at least 12 carbon atoms.

24. (Previously Presented): The composition according to Claim 1, wherein the composition comprises at least 80% by weight of aqueous phase relative to the total weight of the composition.

25. (Previously Presented): The composition according to Claim 1, wherein the composition comprises at least 80% by weight of aqueous phase and at least 30% by weight of water relative to the total weight of the composition.

26. (Previously Presented): The composition according to Claim 16, wherein the composition comprises at least 80% by weight of aqueous phase relative to the total weight of the composition.

27. (Previously Presented): The composition according to Claim 16, wherein the composition comprises at least 30% by weight of water relative to the total weight of the composition.

28. (Previously Presented): The composition according to Claim 16, wherein the composition comprises at least 80% by weight of aqueous phase and at least 30% by weight of water relative to the total weight of the composition.

29. (Previously Presented): The composition according to Claim 1, wherein the composition is a topical composition.

30. (Previously Presented): The composition according to Claim 11, wherein the composition is a topical composition.

31. (Previously Presented): The composition according to Claim 12, wherein the composition is a topical composition.

32. (Previously Presented): The composition according to Claim 13, wherein the composition is a topical composition.

33. (Previously Presented): The composition according to Claim 29, wherein the composition comprises at least 30% by weight of water relative to the total weight of the composition.

34. (Previously Presented): The composition according to Claim 30, wherein the composition comprises at least 30% by weight of water relative to the total weight of the composition.

35. (Previously Presented): The composition according to Claim 31, wherein the composition comprises at least 30% by weight of water relative to the total weight of the composition.

36. (Previously Presented): The composition according to Claim 29, wherein the quantity of aqueous phase ranges from 40% to 95% by weight relative to the total weight of the composition.

COPY

37. (Previously Presented): The composition according to Claim 30, wherein the quantity of aqueous phase ranges from 40% to 95% by weight relative to the total weight of the composition.

38. (Previously Presented): The composition according to Claim 35, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 0.1% to 10% by weight relative to the total weight of the composition.

39. (Previously Presented): A physiologically acceptable topical composition, comprising:

an aqueous phase dispersed in an oily phase, and an oligomeric or polymeric emulsifier comprising i) a polyolefinic apolar component comprising at least 40 carbon atoms and ii) at least one polar component, wherein the composition comprises at least 30% by weight of water relative to the total weight of the composition, the quantity of aqueous phase ranges from 40% to 95% by weight relative to the total weight of the composition, the quantity of emulsifier present ranges from 0.1% to 10% by weight relative to the total weight of the composition, said oily phase comprises at least one hydrocarbon oil and said at least one hydrocarbon oil is present in an amount of at least 40% by weight relative to the total weight of the oily phase.

40. (Previously Presented): The composition according to Claim 1, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 0.5% to 5% by weight relative to the total weight of the composition.

41. (Previously Presented): The composition according to Claim 16, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 0.5% to 5% by weight relative to the total weight of the composition.

COPY

42. (Previously Presented): The composition according to Claim 39, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 0.5% to 5.0% by weight relative to the total weight of the composition.

43. (Previously Presented): The composition according to Claim 1, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 1% to 3% by weight relative to the total weight of the composition.

44. (Previously Presented): The composition according to Claim 16, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 1% to 3% by weight relative to the total weight of the composition.

45. (Previously Presented): The composition according to Claim 39, wherein the quantity of oligomeric or polymeric emulsifier present ranges from 1% to 3% by weight relative to the total weight of the composition.

46. (Previously Presented): The composition according to Claim 1, wherein the emulsification system of the composition consists essentially of said oligomeric or polymeric emulsifier.

47. (Previously Presented): The composition according to Claim 16, wherein the emulsification system of the composition consists essentially of said oligomeric or polymeric emulsifier.

48. (Previously Presented): The composition according to Claim 39, wherein the emulsification system of the composition consists essentially of said oligomeric or polymeric emulsifier.

49. (Previously Presented): The composition according to Claim 1, wherein the composition is stable at 4°C for at least two months.

Application No. 09/903,606
Amendment Under 37 C.F.R. § 1.312(a)

50. (Previously Presented): The composition according to Claim 1, wherein the composition is stable at 25°C for at least two months.

51. (Previously Presented): The composition according to Claim 1, wherein the composition is stable at 45°C for at least two months.

CCPY

Application No. 09/903,606
Amendment Under 37 C.F.R. § 1.312(a)

REMARKS

Claims 3, 9 and 20 have been changed in an editorial, non-limiting manner, restoring them as originally presented. In claim 3, "I-butene" and "I-octene" have been changed to "1-butene" and "1-octene". In claim 9 "than" has been changed to "with an". In claim 20 "50% o by eight" has been changed to "50% by weight".

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

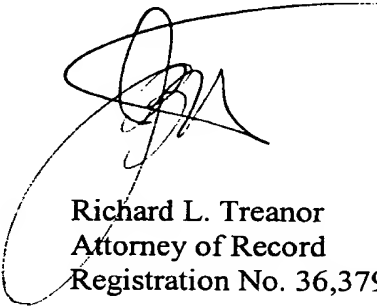
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel #: (703) 413-3000

Fax #: (703) 413-2220



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867

COPY